

**Exhibit "B"**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

This Document Relates to Plaintiff:  
Estate of Karen Smith  
2:19-cv-00262-DGC

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

**PLAINTIFF'S FIRST AMENDED SHORT FORM COMPLAINT**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).  
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:  
Karen Smith.
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:  
N/A.
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):  
Emmett Smith - Independent Administrator.
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:  
Texas.

1           5.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
2                     at the time of injury:

3                     Texas.

4           6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5                     Texas.

6           7.     District Court and Division in which venue would be proper absent direct  
7                     filing:

8                     Southern District of Texas - Houston Division.

9           8.     Defendants (check Defendants against whom Complaint is made):

10                   ☒

                  C. R. Bard Inc.

11                   ☒

                  Bard Peripheral Vascular, Inc.

12           9.     Basis of Jurisdiction:

13                   ☒

                  Diversity of Citizenship

14                   ☐

                  Other: \_\_\_\_\_

15           a.     Other allegations of jurisdiction and venue not expressed in Master  
16                     Complaint:

17                     \_\_\_\_\_  
18                     \_\_\_\_\_  
19                     \_\_\_\_\_

20           10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making  
21                     a claim (Check applicable Inferior Vena Cava Filter(s)):

22                   ☐

                  Recovery<sup>®</sup> Vena Cava Filter

23                   ☐

                  G2<sup>®</sup> Vena Cava Filter

24                   ☐

                  G2<sup>®</sup> Express Vena Cava Filter

25                   ☐

                  G2<sup>®</sup> X Vena Cava Filter

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                  Eclipse<sup>®</sup> Vena Cava Filter

27                   ☐

                  Meridian<sup>®</sup> Vena Cava Filter

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- ☐ Denali® Vena Cava Filter  
☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:  
August 15, 2013.

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect  
☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)  
☒ Count III: Strict Products Liability – Design Defect  
☒ Count IV: Negligence - Design  
☒ Count V: Negligence - Manufacture  
☒ Count VI: Negligence – Failure to Recall/Retrofit  
☒ Count VII: Negligence – Failure to Warn  
☒ Count VIII: Negligent Misrepresentation  
☒ Count IX: Negligence *Per Se*  
☒ Count X: Breach of Express Warranty  
☒ Count XI: Breach of Implied Warranty  
☒ Count XII: Fraudulent Misrepresentation  
☒ Count XIII: Fraudulent Concealment  
☒ Count XIV: Violations of Applicable Texas (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices  
☐ Count XV: Loss of Consortium  
☐ Count XVI: Wrongful Death  
☐ Count XVII: Survival  
☒ Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 19 day of August, 2019.

**[SIGNATURE BLOCK]**

By: /s/ Robert J. Fenstersheib

[Attorney name/address]

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Hallandale, FL 33009

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I hereby certify that on this 19 day of August, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Robert J. Fenstersheib